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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,933	03/11/2004	John Wissinger	4623N-000017	6934
27572	7590	04/03/2006	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			AYRES, TIMOTHY MICHAEL	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/798,933

Applicant(s)

WISSINGER ET AL.

Examiner

Timothy M. Ayres

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### DETAILED ACTION

This is a first office action on the merits of application SN 10/798,933.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

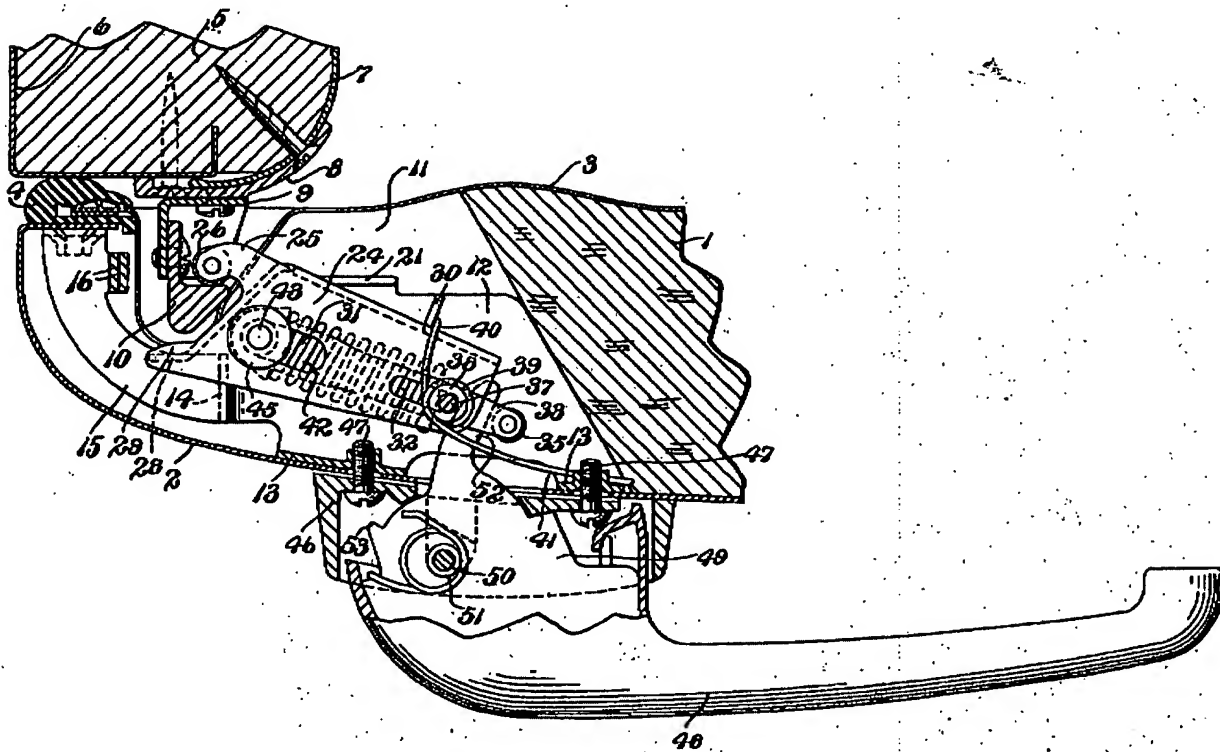
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 12-15, 16, and 21-26 rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 2,507,847 to Anderson. Anderson teaches a refrigerator that comprises a housing with a door pivotally coupled to the housing. A striker (10) is connected to the housing. A latching arrangement is carried by the door and includes a handle (48) connected to the door for movement between a first position and a second position. The handle (48) defines an arcuate cam surface by a finger (52). A pawl (24, 25, 26, 33, 35) is connected to the door for movement between a latched position that is engaged with the striker for securing the door in a closed position and an unlatched position allowing the door to be pivoted from the closed position. The pawl including a cam follower (35) that cooperate with the at least one cam surface such that movement of the handle from the first position to the second position moves the pawl from the latched position (Fig 1) to the unlatched position (Fig 2). The handle (48) is pivotally connected to the door for rotation about a first pivot axis (50). The pawl is pivotally connected to the door for rotation about a second pivot axis (37). The first and second

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pivot axis are spaced apart from one another, parallel, and vertical. The handle carries a biasing element (51) for biasing the handle to the first position. The latching arrangement is located at an edge of the door. A side of the door defines a recess (11) and the finger (52) of the handle (48) is disposed in the recess (11). Regarding claim 14, the refrigerator being for a motor vehicle gives the limitation that the refrigerator is capable of being used in a motor vehicle. There exist motor vehicles more commonly known as RV's that can produce the standard voltage needed to operate an refrigerator and is therefore capable of operating the refrigerator of Anderson.



Anderson '847 Figure 1

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 2,507,847 to Anderson. Anderson discloses every element as claimed and discussed above except the biasing element is integrally formed with the handle.

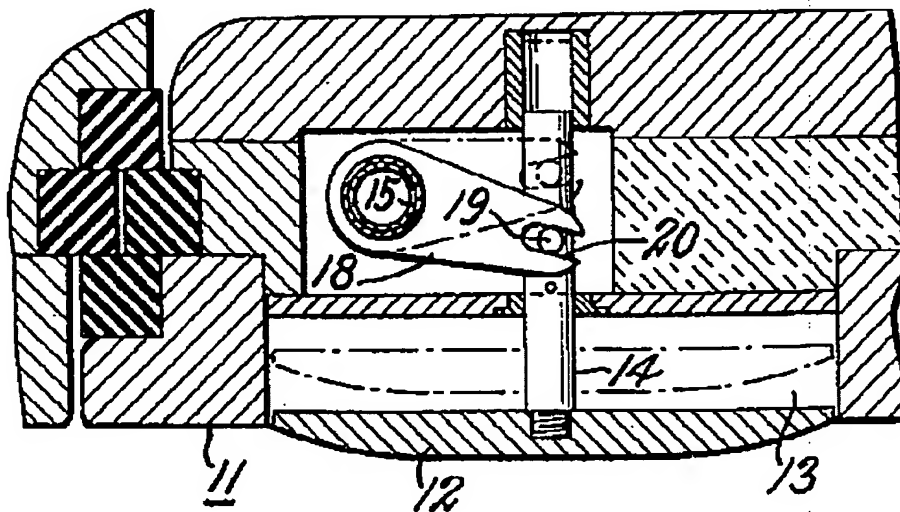
"Integrally" is considered sufficient broad to embrace construction united by such means as fastening and welding. *In re Hotter* (CCPA) 177 USPQ 326. Therefore it would have been obvious for a person of ordinary skill in the art to modify the handle of Anderson by welding the torsion spring to the handle to make it easier to assembly and stronger.

6. Claims 9-11, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 2,507,847 to Anderson in view of US Patent 2,172,467 to Geddes.

Anderson discloses every element as claimed and discussed above except the handle

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including a slot defining the cam surface, the slot being an arcuate slot, and the slot defined by a pair of fingers. Geddes teaches a refrigerator latch with a lever arm (18) with a slot (19) defined by a pair of fingers on both sides of the slot (19) that have a cam surface that engage a cam follower (20). At the time of the invention it would have been obvious for a person of ordinary skill to modify the handle of Anderson by adding a second finger in the same arcuate shape to create a slot as taught by Geddes so that the cam follower has two cam surface one for each direction of movement.

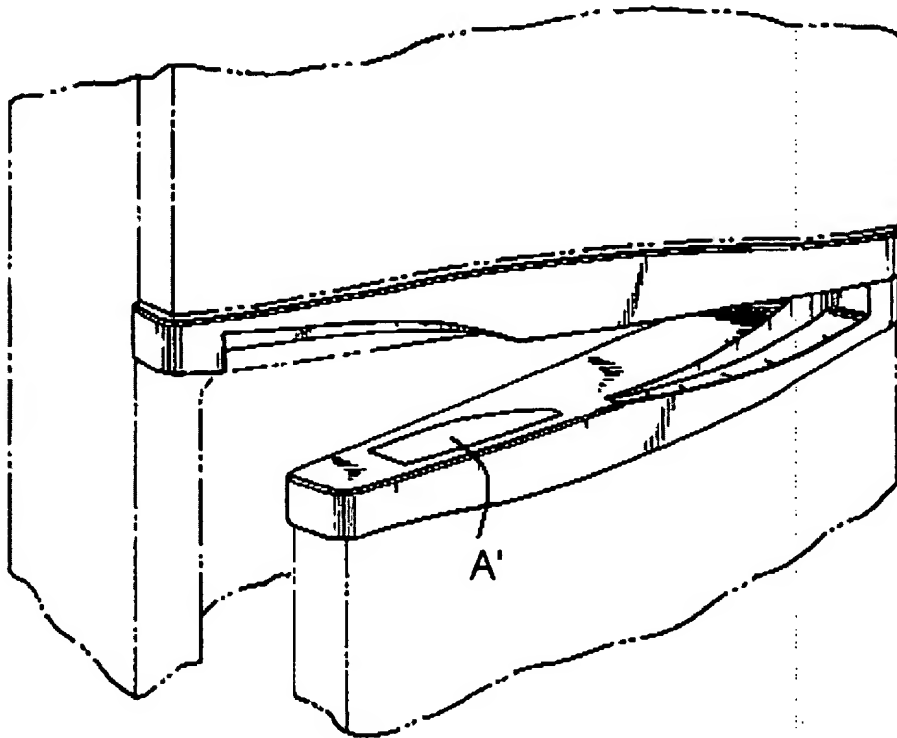


Geddes '467 Figure 3

7. Claim 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 2,507,847 to Anderson in view of US Design Patent 430,174 to Negrao. Anderson discloses every element as claimed and discussed above except the side of door being the topside of the door and the handle is at least partly concealed by a perimeter of the door. Negrao teaches a refrigerator with a door that has a handle (A')

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located in the topside of the door and is concealed by a perimeter of the door. At the time of the invention it would have been obvious for a person of ordinary skill to modify the refrigerator of Anderson by having the handle located at the top side of the door with the perimeter concealing a portion of it as taught by Negrao to make the refrigerator more aesthetically pleasing.



Negrao '174 Figure 1

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents to Hogg, Curtiss, Geske, Johnson '427, Johnson '425, Anderson '421, Takasaki, Dupuis, Rop, Lee, Curtiss, Young, Wissinger, and

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design patents to Okamoto and Choi all teach refrigerators or latch mechanisms as substantially claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Ayres whose telephone number is (571) 272-8299. The examiner can normally be reached on MON-THU 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TMA  
3/29/06



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